IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 2012 of 2006

DATE OF DECISION : 17.11.2006

Karnail Singh

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. K.S. Dhaliwal, Advocate,
for the petitioner.

Mr. Partap Singh, Senior D.A.G., Haryana.

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Petitioner Karnail Singh, who has been named as one of the accused in case FIR No. 47 dated 16.4.2005 under Section 15 of the NDPS Act, registered at Police Station Guhla, has filed this revision petition against the order dated 18.8.2006, passed by Judge, Special Court, Kaithal, whereby the prayer for discharge of the petitioner, on the basis of report dated 14.3.2006 submitted by DSP Kaithal, has been declined.

2. I have heard counsel for the parties and gone through the impugned order dated 18.8.2006 as well as the final report submitted by the investigating agency.

3. The aforesaid FIR was registered on the basis of statement of Karam Singh, who stated that in the morning of 16.4.2005, one Opel Astra car stopped near them, out of which one woman and three men came out and they told that the front shocker of their car has broken and they have relatives at village Agond. All those four persons went away by saying that they will take the car by arranging some vehicle. It has been further stated by complainant Karam Singh that they kept on waiting for the whole day, but those persons did not turn up. Then he became suspicious about the car and informed the police. On search, the police found 140 Kgs. of poppy

husk contained in four bags as well as one identity card of accused Surjit Kaur. Subsequently, during investigation, those four persons were identified and one of them was petitioner. Those persons were seen in the village by Karam Singh, Anoop Singh and Hardeep Singh. The DSP declared the petitioner innocent only on the basis of statements of Anoop Singh and Hardeep Singh, but both these witnesses have supported the prosecution version and now they have also been cited as witnesses.

4. Keeping in view the aforesaid facts, the trial court came to the conclusion that there is sufficient material against the petitioner also to proceed against him. The trial court rejected the prayer made in the challan to discharge the petitioner and ordered that charge be also framed against him along with other accused. I do not find any ground to interfere in the **impugned order.**

5. Dismissed.

November 17, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**